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Preliminary Amendment

The following listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

Claims 1-25 (cancel)

26. (New) A surgical stapler comprising:

a tool assembly including a cartridge assembly having a plurality of staples and an anvil assembly, the anvil assembly being movable in relation to the cartridge assembly between open and approximated positions:

a shaft; and

an intermediate pivot member pivotally secured to the tool assembly about a first pivot axis and pivotally secured to the shaft about a second pivot axis, the first pivot axis being substantially orthogonal to the second pivot axis.

27. (New) A surgical stapler according to Claim 26, further including a dynamic clamping member positioned to translate through the tool assembly to eject the plurality of staples from the cartridge.

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28. (New) A surgical stapler according to Claim 27, wherein the plurality of staples are aligned in a plurality of linear rows.

29. (New) A surgical stapler according to Claim 27, further including a clamping collar supported adjacent a proximal end of the anvil assembly and the cartridge assembly, the clamping collar being movable from a first position to a second position to move the anvil assembly and the cartridge assembly from the open position to the approximated position.

30. (New) A surgical stapler according to Claim 29, further including a sled which is movable with the dynamic clamping member through the cartridge assembly from a first position to a subsequent position to operatively eject the plurality of staples from the cartridge assembly through tissue and against the anvil assembly to staple tissue disposed between the anvil assembly and the cartridge assembly.

31. (New) A surgical stapler according to Claim 27, wherein the dynamic clamping member includes a first mechanical interface which slidably engages the anvil assembly and a second mechanical interface which slidably engages the cartridge assembly, the first and second mechanical interfaces of the dynamic clamping member being in substantial vertical registration relative to one another to oppose expansive forces associated with clamping and stapling tissue and to maintain a substantially uniform gap between tissue contacting surfaces of the anvil and the cartridge assembly during stapling.

32. (New) A surgical stapler according to Claim 31, wherein the first mechanical interface of the dynamic clamping member includes a pin which translates within a corresponding slot disposed within an interior of the anvil assembly.

33. (New) A surgical stapler according to Claim 32, wherein the slot disposed within the interior of the anvil assembly includes a generally T-shaped cross section.

34. (New) A surgical stapler according to Claim 33, wherein the second mechanical interface of the dynamic clamping member includes a flange which secures the dynamic clamping member for translation within a corresponding slot disposed within the cartridge assembly.

35. (New) A surgical stapler according to Claim 30, wherein the sled includes at least one angled surface which upon movement thereof forces the staples from the cartridge assembly through tissue and against the anvil assembly to deform and close the staples about tissue.

36. (New) A tool assembly according to Claim 26, wherein the tool assembly is part of a disposable loading unit for removable attachment to a distal end of the shaft of a surgical stapler.

37. (New) A tool assembly comprising:

an anvil and a cartridge assembly, the cartridge assembly having a plurality of staples and

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being movable in relation to the anvil between an open position and an approximated position,
the cartridge assembly and the anvil defining a tissue gap in the approximated position;

a clamp collar positioned adjacent the proximal end of the cartridge assembly and the
anvil and being movable from a first position to a second position to effect movement of the
anvil in relation to the cartridge assembly from the open position towards the approximated
position; and

a dynamic clamping member movably positioned in relation to the anvil and the cartridge
assembly, the dynamic clamping member being movable from a first position to a second
position to define a maximum tissue gap between the anvil and the cartridge assembly adjacent
the dynamic clamping member during ejection of the plurality of staples from the cartridge
assembly.

38. (New) A tool assembly according to Claim 37, wherein the plurality of staples are
aligned in a plurality of linear rows.

39. (New) A tool assembly according to Claim 37, further including a sled which is movable
with the dynamic clamping member through the cartridge assembly from a first position to a
subsequent position to operatively eject the plurality of staples from the cartridge assembly
through tissue and against the anvil assembly to staple tissue disposed between the anvil
assembly and the cartridge assembly.

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40. (New) A tool assembly according to Claim 39, wherein the dynamic clamping member includes a first mechanical interface which slidingly engages the anvil assembly and a second mechanical interface which slidably engages the cartridge assembly, the first and second mechanical interfaces of the dynamic clamping member being in substantial vertical registration relative to one another to oppose expansive forces associated with clamping and stapling tissue and to define the maximum tissue gap between tissue contacting surfaces of the anvil and the cartridge assembly during stapling.

41. (New) A surgical stapler according to Claim 37, further including a sled which is movable with the dynamic clamping member through the cartridge assembly from a first position to a subsequent position to operatively eject the plurality of staples from the cartridge assembly through tissue and against the anvil assembly to staple tissue disposed between the anvil assembly and the cartridge assembly.